

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:18-CV-32-BR

HENRY WILLIAMS, II,)

Plaintiff,)

v.)

PITT COUNTY BOARD OF EDUCATION, et al.)

Defendants.)

ORDER

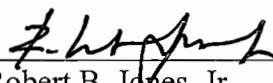
This matter comes before the court on Defendant's motion to stay discovery [DE-13] pending resolution of its motion to dismiss [DE-7] filed on April 27, 2018. Defendant requests to stay the following requirements: the Rule 16 initial pretrial conference; the filing of a Rule 26(f) discovery plan; and to provide Rule 26(a) initial disclosures. Plaintiff did not respond to the motion.

Rule 26(c) of the Federal Rules of Civil Procedure authorizes a court to issue an order limiting or staying discovery. Specifically, a court has discretion to stay discovery until pending dispositive motions are resolved. *See Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at *2 (E.D.N.C. Feb. 25, 2008). In certain cases, a stay of discovery may be appropriate to prevent a waste of time and resources by the parties and to make efficient use of judicial resources. *United States v. A.T. Massey Coal Co.*, No. 2:07-0299, 2007 WL 3051449, at *2 (S.D. W. Va. Oct. 18, 2007). "Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion." *Yongo*, 2008 WL 516744, at *2 (quoting *Tilley v. United States*,

270 F. Supp. 2d 731, 735 (M.D.N.C. 2003)).

Here, Defendant has demonstrated each of the relevant factors. Accordingly, for good cause shown, the motion to stay the Rule 16 initial pretrial conference, the filing of a Rule 26(f) discovery plan, and to provide Rule 26(a) initial disclosures, is allowed pending the court's ruling on the motion to dismiss. In the event the motion is not dispositive of this matter, within 14 days following the court's ruling, the parties shall conduct the Rule 26(f) conference and file a proposed discovery plan.

SO ORDERED, the 29 day of May, 2018.



Robert B. Jones, Jr.
United States Magistrate Judge